

## **REMARKS**

### **Status of Claims:**

Claims 1-67 are pending in the application; claims 1-67 stand rejected; claims 68 and 69 have been newly added.

### **Double Patenting Rejection:**

Claims 1-67 are *provisionally* rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-87 of co-pending Application No. 10/772,907, and claims 1-87 of co-pending Application No. 10/772,978. The Examiner alleges that although the conflicting claims are not identical, they are not patentably distinct from each other because the inventions of claims 1-87 of co-pending Application No. 10/772,907, and claims 1-87 of co-pending Application No. 10/772,978 encompass the invention of claims 1-67 of the present application.

Claims 1-67 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 of U.S. 6,716,953. The Examiner alleges that while the conflicting claims are not identical, they are not patentably distinct from each other because the invention of claims 1-5 of U.S. 6,716,953 fully encompasses the invention of claims 1-67 of the present application.

Filed herewith is a Terminal Disclaimer in compliance with 37 CFR 1.324(c) in order to overcome the above-mentioned nonstatutory double patenting rejections. In view of the timely filing of such Terminal Disclaimer, reconsideration and withdrawal of the provisional and actual rejections of claims 1-67 under the judicially created doctrine of obviousness-type double patenting is respectfully requested.

### **Claim Rejections Under 35 USC §§ 102/103:**

Claims 1-67 stand rejected under 35 USC 102(b) as being anticipated by or, in the alternative, under 35 USC 103(a) as being obvious over WO 00/31195 to Ohrbom et al. ("Ohrbom") as set forth in paragraph 7 of the Office Action. Applicants respectfully traverse this rejection.

Applicants assert that Ohrbom neither teaches nor suggests a reaction product formed from, *inter alia*, a copolymer comprising at least 30 mol% of residues

of specified alternating structural units formed from donor monomers and acceptor monomers as required by the present claims. In fact, the reference is devoid of any mention of alternating copolymers, or copolymers having alternating structural units, at all; nor would such a copolymer having such alternating structural units be necessarily inherent in the copolymers of Ohrbom. While Ohrbom discloses an acrylic resin and its preparation, there are only provided therein long lists of possible functional group-containing ethylenically unsaturated monomers to be reacted with one or more other ethylenically unsaturated monomers, examples of which are likewise provided in an exhaustive list.

Ohrbom neither discloses nor appreciates the use of the acceptor/donor monomer concept (as is required by the present application) to form alternating copolymers or copolymers having a percentage of alternating structural units. Relying on the teachings of Ohrbom, one skilled in the art would be required to trial countless combinations of acrylic monomers in order to arrive, if ever, at a copolymer having the alternating structural units required by the present claims. (In fact only one of the monomers listed in the exhaustive lists of monomers provided in Ohrbom falls within donor monomer structure I of the present application (that is, alpha-methyl styrene)). Not only would this require undue experimentation on the part of the skilled artisan, the reference simply does not provide any motivation to do so. Due to the sheer number of possible monomer combinations, there would be little likelihood of success in arriving at the claimed reaction products.

Further, newly added claims 68 and 69 require that the donor monomer of structure I be limited to isobutylene, diisobutylene, dipentene, isoprenol and mixtures thereof. Support for these newly added claims can be found in the application as originally filed, for example in original claim 3. These olefinic monomers are neither mentioned nor suggested in the teachings of Ohrbom. Applicants assert that claims 1-67 and newly added claims 68 and 69 are both novel and unobvious over Ohrbom.

In view of the foregoing remarks, reconsideration and withdrawal of the claim rejections under 35 USC 102/103 are respectfully requested. Applicants believe that this application is now in condition for allowance. However, if the Examiner deems there to be any issues remaining, the Examiner is invited to telephone the undersigned attorney in order to expedite resolution of such matters.

Application No. 10/635,796  
Amendment dated July 25, 2005  
Reply to Office Action of May 11, 2005

Respectfully Submitted,

A handwritten signature in cursive script, reading "Deborah M. Altman", is written over a horizontal line.

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July 25, 2005